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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

ORACLE USA, Inc., a Colorado corporation;  
ORACLE AMERICA, INC., a Delaware  
corporation; and ORACLE INTERNATIONAL  
CORPORATION, a California corporation,

Plaintiffs,

v.

RIMINI STREET, INC., a Nevada corporation;  
and SETH RAVIN, an individual,

Defendants.

Case No. 2:10-cv-0106-LRH-PAL

**JOINT CASE MANAGEMENT  
STATEMENT**

DATE: August 5, 2010  
TIME: 9:30 a.m.  
PLACE: Courtroom 3B  
JUDGE: Magistrate Peggy A. Leen

1 Plaintiffs Oracle USA, Inc., Oracle America, Inc., and Oracle International Corp.  
 2 (collectively, “Oracle” or “Plaintiffs”) and Defendants Rimini Street, Inc. (“Rimini Street”) and  
 3 Seth Ravin (“Ravin”) (together, “Rimini” or “Defendants”) jointly submit this Case Management  
 4 Conference Statement in advance of the August 5, 2010 Case Management Conference to  
 5 provide the Court with a status report of the pending matters.

## 6 **I. PENDING MOTIONS**

7 On April 19, 2010, Oracle filed its First Amended Complaint. On May 6, 2010, Rimini  
 8 Street filed its Answer and Counterclaim and Ravin filed his Answer. On May 24, 2010, Rimini  
 9 Street filed an Answer to First Amended Complaint and First Amended Counterclaims, which  
 10 included additional allegations in support of the Counterclaims. While Rimini Street and Ravin  
 11 answered the claims of copyright infringement and breach of contract, on May 6, 2010, each also  
 12 separately filed motions to dismiss portions of the remaining claims alleged against them in the  
 13 First Amended Complaint. On June 10, 2010, Oracle filed its motion to dismiss the  
 14 Counterclaims. All three motions to dismiss are fully briefed. No hearing date has been set for  
 15 these motions.

16 Oracle served its notice of deposition of Rimini Street pursuant to Rule 30(b)(6) on June  
 17 2, 2010. That deposition is subject to a Motion for Protective Order filed by Rimini Street on  
 18 June 24, 2010, and scheduled to be heard on August 5, 2010. The parties have agreed that the  
 19 deposition will go forward on August 13, 2010.

## 21 **II. DISCOVERY CONDUCTED TO DATE**

### 22 **A. Initial Disclosures**

23 The parties exchanged their initial disclosures on May 25, 2010.

### 24 **B. Discovery Served by Rimini and Responded to by Oracle**

25 Oracle has responded to the following discovery:  
 26  
 27  
 28

Discovery	Date Served	Date Response/Objections Served
Rimini Street's Amended First Request for Production of Documents to Oracle	May 13, 2010	June 15, 2010
Rimini Street's Second Request for Production of Documents to Oracle	May 13, 2010	July 29, 2010
Rimini Street's First Set of Interrogatories to Oracle	June 11, 2010	July 21, 2010

In addition, Oracle has produced the following:

Bates No.	Description	Date of Production
ORCLRS0000001 - ORCLRS0000574	574 software disks	June 28, 2010
ORCLRS0000575 - ORCLRS0000576	Two hard drives with server logs	June 28, 2010
ORCLRS0000577	One hard-drive with server logs	June 29, 2010
ORCLRS0000578 - ORCLRS0046454	45,877 pages of documents responsive to Rimini's First Request for Production of Documents	June 28, 2010
ORCLRS00046455	A CD of twenty (20) deposition transcripts	June 28, 2010

### C. Discovery Served by Oracle and Responded to by Rimini

Rimini has responded to the following discovery:

Discovery	Date Served	Date Response/Objections Served
Oracle's First Request for Production of Documents to Rimini Street	April 29, 2010	June 1, 2010
Oracle's Second Request for Production of Documents to Rimini Street	April 29, 2010	July 1, 2010
Oracle's First Set of Interrogatories to Rimini Street	April 29, 2010	June 1, 2010
Oracle's First Request for Production of Documents to Ravin	May 13, 2010	June 15, 2010

In addition, Rimini has produced the following:

Bates No.	Description	Date of Production
RSIH00200000001 - RSIH00200000054 <sup>1</sup>	Documents produced with Rimini's Initial Disclosures	May 25, 2010
RSIH00200000055 - RSIH002000000545	Documents referenced in Rimini Street's Responses to First Set of Interrogatories	June 17, 2010
RSI00000001 - RSI00005901	Documents responsive to Oracle's First Request for Production of Documents	June 17, 2010
RSI00005902 - RSI00050549	Documents responsive to Oracle's First and Second Request for Production of Documents	July 12, 2010

#### **D. Third Party Discovery**

On May 13, 2010, Oracle served a subpoena on Adams Street Partners, a private equity firm which invested in Rimini Street in or around July 2009. To date, Adams Street Partners has produced 672 pages of documents.

No other third party discovery has been conducted to date.

#### **E. Depositions**

Oracle served its notice of deposition of Rimini Street pursuant to Rule 30(b)(6) on June 2, 2010. As stated above, that deposition is subject to a motion for protective order, filed by Rimini Street.

No other depositions have been noticed.

### **III. LIMITATIONS ON DISCOVERY**

On May 13, 2010, the parties each submitted proposals concerning the limits on discovery and the timeframe for discovery in this case. (Docket # 51) For the convenience of the Court, the May 13, 2010 joint case management statement is attached.

#### **Plaintiffs' Proposal**

Oracle continues to request that the Court order the limits and time for discovery

<sup>1</sup> Documents reproduced on June 17, 2010 with the electronic database files.

originally proposed by Oracle. This proposal is unchanged from the schedule Oracle proposed in the May 13, 2010 Stipulated Discovery Plan (Docket # 51).

Subsequent to the May 13, 2010 CMC statement, the parties continued to meet and confer on a stipulated preservation order, but were unable to reach agreement after Defendants insisted that detailed disclosures about their preservation efforts be made in formal discovery. Accordingly, Oracle served a Rule 30(b)(6) deposition notice concerning those preservation efforts, but Defendants' pending motion for a protective order has delayed that deposition.

Given the progress in discovery in this matter to date – the volume of the parties' productions and the lack of any depositions – as well as the extent of the discovery in the SAP/TomorrowNow Lawsuit, the time it took to collect, produce, and analyze that discovery, and the necessary scope of additional discovery in this case, Oracle continues to believe that its proposal is the more reasonable one.

Oracle's proposal is set forth below. Deadlines for close of discovery refer to the last possible response date for a discovery request, not the last day on which requests may be served.

PLAINTIFFS' PROPOSED DATE	EVENT
6/1/2011	Deadline to amend pleadings and add new parties – 60 days before close of fact discovery* *The Parties' stipulation to this deadline shall not waive any objections to the propriety of another Party's pleading amendments File "interim status report" per LR 26-3 – 60 days before close of fact discovery
8/1/2011	Close of fact discovery (15 months after first defendant's appearance) Identify experts on issues for which a Party has the burden of proof
8/15/2011	Last day to file motions to compel related to fact discovery
9/15/2011	Expert disclosures on issues for which a Party has the burden of proof
11/1/2011	Disclosure of experts on rebuttal
12/1/2011	File "interim status report" per LR 26-3 – 60 days before close of expert discovery
2/1/2012	Close of expert discovery (six months after close of fact discovery)
2/15/2012	Last day to file motions to compel related to expert discovery
3/1/2012	Last day to file dispositive motions – 30 days after close of expert discovery

PLAINTIFFS' PROPOSED DATE	EVENT
30 days before start of trial	Motions in limine due File joint pretrial order, including all requirements of FRCP 26(a)(3) and LR 16-3(c)

### **Defendants' Proposal**

Rimini Street also continues to request that the Court adopt its originally proposed limits and time for discovery. Since discovery commenced, Rimini Street has demonstrated its ability to provide discovery with speed and efficiency. For example, in response to Oracle's written discovery, Rimini promptly provided complete and comprehensive responses to Oracle's "foundational" interrogatories and produced approximately 50 thousand Bates-stamped pages responsive to Oracle's document requests. Rimini Street's discovery responses demonstrate that this case need not be as burdensome and time-consuming as Oracle represents, and there is simply no justification for extending discovery into 2012 as Oracle proposes. Moreover, Oracle's extended schedule and extensive discovery allotments promote inefficiency, and would afford Oracle the ability to use the *process* to bury Rimini Street. It is important that this case be decided on the *merits*. Accordingly, the Court should place reasonable limits on both the duration of this case and the amount of discovery available to the parties. Rimini Street's proffered discovery plan provides such limits, while still allowing full discovery into the merits of the claims in this case. Rimini respectfully requests that the Court adopt its discovery proposal, as set forth below.

DEFENDANTS' PROPOSED DATE	EVENT
2/28/2011	Deadline to amend pleadings and add new parties – 60 days before close of fact discovery
4/29/2011	Close of fact discovery
5/29/2011	Disclosure of experts on issues for which a Party has the burden of proof
5/29/2011	File "interim status report" per LR 26-3 – 60 days before close of discovery
6/29/2011	Disclosure of experts on rebuttal

DEFENDANTS' PROPOSED DATE	EVENT
7/29/2011	Close of expert discovery
8/29/2011	Last day to file dispositive motions – 30 days after close of expert discovery
9/29/2011	File joint pretrial order, including all requirements of FRCP 26(a)(3) and LR 16-3(c)
30 days before the start of trial	Motions in limine due.

#### IV. OTHER MATTERS

The parties are meeting and conferring about a stipulation to address the fact that there are a number of former Oracle employees who possess privileged, work product, and proprietary information belonging to Oracle, and who are now employees of Rimini Street. The parties will continue to meet and confer, and propose to submit an agreed form of order by August 16, or to submit any unresolved issues to the Court on that date.

Dated: August 2, 2010

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**ATTESTATION OF FILER**

The signatories to this document are myself and Robert Reckers and I have obtained Mr. Reckers's concurrence to file this document on his behalf.

Dated: August 2, 2010

BOIES, SCHILLER & FLEXNER LLP

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 2<sup>nd</sup> day of August, 2010, I electronically transmitted the foregoing **JOINT CASE MANAGEMENT STATEMENT** to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to all counsel in this matter; all counsel being registered to receive Electronic Filing.

/s/ Christina Seki

An employee of Boies, Schiller & Flexner LLP